

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CR226**

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**UNITED STATES OF AMERICA**            )  
                                )  
                                )  
                                )  
**vs.**                            )  
                                )  
**JOHN WAYNE SMITH**              )  
                                )

**THE MATTER** is before the court on its own motion to continue the trial of this matter from the January 9, 2006 term of court.

The court finds that the ends of justice served by taking such action outweighs the interest of the public and Defendant to a speedy trial as set forth in 18 U.S.C. 3161(h)(8)(A).

**IT IS THEREFORE ORDERED** that this trial be scheduled for the **January 17, 2006 term at 10:00 a.m.** in the Charlotte Division.

The Clerk is directed to certify copies of this order to Defendant, counsel for Defendant, to the United States Attorney, the United States Marshals Service, and the U.S. Probation Office.

IT IS SO ORDERED.

**Signed: December 7, 2005**



Graham C. Mullen  
Chief United States District Judge

